

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
18 CVS 014001

COMMON CAUSE, *et al.*)
Plaintiffs,)
v.)
Representative DAVID R. LEWIS,)
in his official capacity as Senior)
Chairman of the House Select)
Committee on Redistricting, *et al.*,)
Defendants.)

ORDER ON REPUBLICAN
NATIONAL COMMITTEE'S
MOTION TO APPEAR AND
PROTECT ITS INFORMATION
UNDER RULE 45

THIS MATTER comes before the undersigned upon non-party Republican National Committee's Motion for Leave to Appear and Protect Its Confidential and Privileged Information Under Rule 45, filed August 30, 2019.

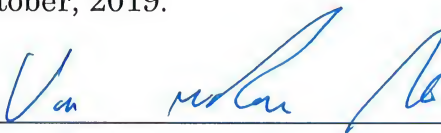
On July 12, 2019, the Court granted non-party Geographic Strategies's request to inspect the Hofeller files, and allowed it until August 30, 2019 to provide the Court with an itemization of all files to which it claims ownership or other claim of right and contends ought to be treated as confidential. On August 30, 2019, Geographic Strategies filed this itemization. Also on August 30, 2019, the Republican National Committee ("RNC") filed the present motion seeking to take essentially the same actions the Court allowed Geographic Strategies to take. Specifically, it requests that Geographic Strategies be ordered to produce to the RNC a copy of all files Geographic Strategies has identified as potentially belonging to the RNC so that the RNC may submit its own itemization of files it contends should be designated confidential or privileged. On September 13, 2019, Plaintiffs filed a response opposing the RNC's motion.

After considering the RNC's motion and the matters contained therein, as well as the parties' briefs, and having reviewed the record proper, the Court, in its discretion, declines to grant the RNC's requested relief.

As acknowledged in its motion, the RNC began to suspect that of a portion of the Hofeller files might implicate its proprietary rights or privileges in May 2019 after various media outlets reported that Dr. Hofeller's files had been produced to Plaintiffs in this case. The RNC then informed Plaintiffs by letter on May 28, 2019, that the Hofeller files likely contained privileged and proprietary information concerning Dr. Hofeller's work for and on behalf of the RNC. Although the RNC asserted at that time that the Hofeller files likely contained its privileged and proprietary information, the RNC neglected to seek relief from this Court until August 30, 2019, when it made the present motion. Due to the RNC's delay in bringing this request before the Court, the Court declines to grant the RNC's motion at this late stage in the litigation.

WHEREFORE, the Court, for the reasons stated herein and in the exercise of its discretion, hereby ORDERS that the RNC's motion is DENIED.

SO ORDERED, this the 3rd day of October, 2019.

A handwritten signature in blue ink, appearing to read "Vince M. Rozier, Jr.", is written over a horizontal line.

Vince M. Rozier, Jr., Superior Court Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on the persons indicated below by electronic mail, addressed as follows:

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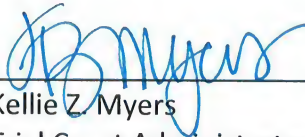
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This the 3rd day of October, 2019.



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